

## Message Text

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ORIGIN EB-08

INFO OCT-01 EUR-12 EA-12 ISO-00 FAA-00 DOTE-00 L-03  
/036 R

DRAFTED BY EB/OA/AVP:JMROBERTS:PMA  
APPROVED BY EB/OA/AVP:GGRIFITHS  
FAA/AIA-130:LJETT  
EA/PRCM:RHART(INFO.)  
EUR/NE:CWSCHALLER(INFO.)  
EA/VLC:RCARROLL(INFO.)  
L/EB:FWILLIS

-----129464 200056Z /73

P R 192240Z JUN 78  
FM SECSTATE WASHDC  
TO AMEMBASSY COPENHAGEN PRIORITY  
INFO AMEMBASSY BRUSSELS  
AMCONSUL FRANKFURT  
AMCONSUL HONG KONG  
USLO PEKING

UNCLAS STATE 155663

E.O. 11652: N/A

TAGS: EAIR, DA, US, CH

SUBJECT: CLEARANCE REQUEST FOR US REGISTERED  
AIRCRAFT FLYING TO CHINA

REF: (A) COPENHAGEN 3983; (B) COPENHAGEN 3992

1. EMBASSY'S SEEMINGLY SIMPLE REQUEST TO DEPARTMENT TO  
GRANT CLEARANCE FOR A US REGISTERED AIRCRAFT TO PROCEED  
TO PEKING (REF A) VIA OVERFLIGHT OF VIETNAM (REF B) IS  
UNFORTUNATELY NOTSIMPLE AT ALL. THERE ARE A NUMBER OF  
TECHNICAL, LEGAL AND PROCEDURAL "SNAGS" WHICH PREVENT  
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DEPARTMENT FROM FAVORABLY RESPONDING. ADDITIONAL  
INFORMATION IS NEEDED.

2. RATHER THAN GO INTO LABORIOUS DETAIL, THE FOLLOWING  
IS FOR EMBASSY'S REVIEW:

(A) CONTRARY TO UNIVERSAL AVIATION'S STATEMENT (PARA

THREE, REF A), THE DEPARTMENT CANNOT GRANT CLEARANCE FOR A US REGISTERED AIRCRAFT TO OVERFLY AND LAND IN THE PEOPLE'S REPUBLIC OF CHINA (PRC). UNDERSTANDABLY, ONLY PRC OFFICIALS CAN DO THIS. ALSO, SINCE AIRCRAFT IS NOT US-MADE, US EXPORT LICENSE NOT NEEDED.

(B) LIKEWISE, THE DEPARTMENT HAS NO CONTROL OVER THE AIRSPACE ABOVE VIETNAM (SRV). ALSO, ALTHOUGH THE SRV HAS NO OBJECTION TO US REGISTERED AIRCRAFT OVERFLYING THEIR COUNTRY, THEY SO FAR HAVE EXTENDED THIS RIGHT ONLY TO SCHEDULED AIRLINES. FURTHER, AS EMBASSY IS AWARE, US FOREIGN ASSETS CONTROL REGULATIONS PREVENT US FIRMS FROM REMITTING ANY FUNDS TO SRV ENTITIES. IN THIS CONTEXT, AND ALSO BECAUSE OF ITEM (C) BELOW, DEPARTMENT AND FAA ARE CURIOUS TO KNOW TO WHAT EXTENT THE US FIRM IS INVOLVED.

(C) FAA INFORMED DEPARTMENT THAT JETS-WORLDWIDE IS NOT CERTIFICATED TO CONDUCT CHARTER FLIGHTS OF THE KIND SUGGESTED REF A (UNLESS IT WILL BE CONDUCTED UNDER A VERY NARROW PROVISION OF THE FEDERAL AVIATION REGULATIONS WHICH WOULD AMONG OTHER THINGS SIGNIFICANTLY LIMIT THE CHARTER FIRM'S REMUNERATION). BUT SINCE REFTELS DID NOT ELABORATE, NEITHER FAA NOR DEPARTMENT CAN TELL IF THE JETS-WORLDWIDE AIRCRAFT HAS BEEN CHARTERED OR LEASED.

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(D) IF THE AIRCRAFT HAS BEEN LEASED, IT IS CONSIDERED, IN SPITE OF ITS US REGISTRATION, TEMPORARILY AN ADJUNCT OF BURMEISTER AND WAIN. THEREFORE, IT IS NOT SUBJECT TO US FOREIGN ASSETS CONTROL REGULATIONS, OR TO ALL FEDERAL AVIATION REGULATIONS. IF THIS IS THE CASE, WE SHOULD NOT AID, EXCEPT UNDER EXTRAORDINARY CIRCUMSTANCES, BURMEISTER AND WAIN OBTAIN PRC AND SRV OVERFLIGHT/LANDING PERMISSION. THEY SHOULD PURSUE THIS THEMSELVES EITHER THROUGH THEIR AGENT, UNIVERSAL AVIATION, OR IF THEY ARE UNSUCCESSFUL, THROUGH THE DANISH GOVERNMENT.

3. ACTION REQUESTED: EMBASSY CONFIRM WHETHER JET-WORLDWIDE AIRCRAFT IS CHARTERED OR LEASED. DEPARTMENT ALSO CURIOUS TO KNOW IF BURMEISTER AND WAIN GROUP IS TRAVELING TO PRC ON THEIR OWN VOLITION OR AT THE INVITATION OF A PRC OFFICIAL OR ORGANIZATION. VANCE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AIRCRAFT  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 19 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978STATE155663  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JMROBERTS:PMA  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780255-1026  
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**Handling Restrictions:** n/a  
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**Litigation History:**  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 COPENHAGEN 3983, 78 COPENHAGEN 3992  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 29 mar 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2295692  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CLEARANCE REQUEST FOR US REGISTERED AIRCRAFT FLYING TO CHINA  
**TAGS:** EAIR, DA, US, CH  
**To:** COPENHAGEN  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/9de64086-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
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